in one of the sales of that drug failed to bear the name, and quantity or proportion of each such derivative and in juxtaposition therewith the statement, "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), none of the repackaged drugs bore labeling containing directions for use.

DISPOSITION: March 24, 1950. Pleas of guilty having been entered, the court fined the company $300, defendant Portman $100, and defendant Rundt $200, plus costs.

3083. Misbranding of seconal sodium capsules and sodium amytal capsules. U. S. v. Ontario Pharmacy, Inc., and Joseph V. Gadzinski. Pleas of guilty. Fines of $300 against corporation and $900 against individual, plus costs. (F. D. C. No. 28118. Sample Nos. 15866-K to 15868-K, incl.)

INFORMATION FILED: January 17, 1950, Northern District of Illinois, against Ontario Pharmacy, Inc., Chicago, Ill., and Joseph V. Gadzinski, secretary-treasurer of the corporation.

INTERSTATE SHIPMENT: Prior to the date of the sales of the drugs by the defendant as hereinafter described, the drugs were manufactured in the State of Indiana and shipped in interstate commerce into the State of Illinois.

ALLEGED VIOLATION: On or about February 20, 22, and 23, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repackaged and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (b) (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the drugs contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as, habit forming; and the labels of the repackaged drugs failed to bear the name, and quantity or proportion of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the repackaged *seconal sodium capsules* bore no labeling containing directions for use.

DISPOSITION: April 10, 1950. A plea of guilty having been entered, the court fined the corporation $300 and the individual $900, plus costs.

3084. Misbranding of seconal sodium capsules, thyroid tablets, pentobarbital sodium capsules, and Metandren Linguets. U. S. v. Jack Golder (Pine Lawn Cut Rate Drugs). Plea of guilty. Fine, $500. (F. D. C. No. 26738. Sample Nos. 45743-K, 45950-K, 45953-K to 45955-K, incl.)

INFORMATION FILED: October 12, 1949, Eastern District of Missouri, against Jack Golder, trading as Pine Lawn Cut Rate Drugs, at Pine Lawn, Mo.

INTERSTATE SHIPMENT: Between the approximate dates of October 2, 1947, and November 13, 1948, from Indianapolis, Ind., Chicago, Ill., and Summit, N. J., into the State of Missouri, of quantities of *seconal sodium capsules, thyroid tablets, pentobarbital sodium capsules,* and *Metandren Linguets.*

LABEL, WHEN SHIPPED: "Seconal Sodium 1½ grs.," "1 Grain Thyroid Tablets U. S. P.," "Pentobarbital Sodium Capsules Yellow 1½ grain U. S. P.," and

"Metandren Linquets * * * Each Linquet contains 10 mg. of Metandren (methyltestosterone U. S. P. XIII)."

ALLEGED VIOLATION: On or about January 20, 24, and 26, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused quantities of the drugs to be removed from the containers in which they had been shipped, to be repacked, and to be sold to various persons without a prescription, which acts by the defendant resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), they bore no label containing an accurate statement of the quantity of the contents; Section 502 (e) (1), they were not designated solely by a name recognized in an official compendium, and their labels failed to bear the common or usual names of the drugs; and, Section 502 (f) (1), they bore no labeling containing directions for use.

Further misbranding, Section 502 (d), the repackaged *seconal sodium capsules* and the repackaged *pentobarbital sodium capsules* were drugs for use by man and contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, after investigation, found to be, and by regulations designated as, habit forming; and the labels of the repackaged drugs failed to bear the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: March 17, 1950. A plea of guilty having been entered, the court imposed a fine of $500.

3085. Misbranding of seconal sodium capsules, pentobarbital sodium capsules, phenobarbital tablets, thyroid tablets, and sulfadiazine tablets. U. S. v. Homer McCracken (McCracken Drug Store). Motions overruled to suppress evidence and to dismiss information. Plea of nolo contendere. Fine, $500. (F. D. C. No. 25605. Sample Nos. 26963-K, 27744-K, 27770-K, 27771-K, 27819-K.)

INFORMATION FILED: March 10, 1949, Eastern District of Missouri, against Homer McCracken, trading as the McCracken Drug Store, St. Louis, Mo.

INTERSTATE SHIPMENT: Between September 26, 1947, and May 14, 1948, from the States of Indiana, New York, and Illinois, into the State of Missouri, of quantities of *seconal sodium capsules*, *pentobarbital sodium capsules*, *phenobarbital tablets*, *thyroid tablets*, and *sulfadiazine tablets*.

ALLEGED VIOLATION: Between May 26 and June 29, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets and capsules to be removed from the bottles in which they had been shipped, to be repacked into boxes, and to be sold to various persons without a prescription, which acts of the defendant resulted in the capsules and tablets being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (b) (2), the repackaged drugs bore no label containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged *seconal sodium capsules*, *pentobarbital sodium capsules*, and *phenobarbital tablets* were drugs for use by man and contained chemical derivatives of barbituric acid, which